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In re Application of BRENNEMAN et al
U.S. Application No.: 09/936,888
Int. Application No.: PCT/US00/06364
Int. Filing Date: 10 March 2000
Priority Date: 12 March 1999
Attorney Docket No.: 015280-377100US
For: PREVENTION OF FETAL ALCOHOL
SYNDROME AND NEURONAL CELL
DEATH WITH ADNF POLYPEPTIDES

COMMUNICATION

This application is before the PCT Legal Office for consideration of issues arising under 35 U.S.C. 371.

BACKGROUND

On 10 March 2000, applicant filed international application PCT/US00/06364, which claimed priority of an earlier United States application filed 12 March 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 18 September 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 12 September 2001.

On 12 September 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and executed declarations.

On 28 November 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371, which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

DISCUSSION

The declarations filed 12 September 2001 are improper. Specifically, at least one of the declarations contains more than one "Page 3 of 3". It is not sufficient to supply only the signature page of a declaration. The Notification of Missing Requirements mailed 28 November 2001 did not specify this defect. Applicant must furnish either: 1) a single complete declaration which is presented to and executed by all of the inventors or 2) multiple complete declarations, each of which is executed by at least one of the inventors.

CONCLUSION

For the reasons above, the Notification of Missing Requirements mailed 28 November 2001 is hereby VACATED.

The application is being forwarded to the DO/EO/US for processing in accordance with this decision, including preparation of a new Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) along with a Notification of a Defective Oath or Declaration (Form PCT/DO/EO/917) stating that the declarations filed 12 September 2001 are improper for the reasons set forth in this communication.



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